

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROY D. NEWPORT, *et al.*,

No. C 10-04511 WHA

Plaintiffs,

v.

**ORDER ON COUNTER-DEFENDANT
COOK'S MOTION FOR AN EXTENSION
OF TIME FOR DISCOVERY**

BURGER KING CORPORATION,

Defendant.

Pursuant to Civil Local Rule 6-3, counter-defendant Willie C. Cook moves for an extension of time to designate expert testimony and disclose full expert reports and an extension of time for all expert discovery (Dkt. No. 286). Defendant Burger King Corporation ("BKC") opposes the motion (Dkt. No. 292).

The case management order set September 30, 2011, as the deadline for designation of expert testimony and disclosure of full expert reports and set November 4, as the cutoff for all expert discovery. In support of the motion for an extension of time of both deadlines, Mr. Cook argues he has been unable to comply with the discovery deadlines because he has "been engaged in five different lawsuits," related to the *Castaneda* case, which have resulted in Mr. Cook's resources "both physical and financial" being stretched thin (Dkt. No. 286 at 2). He further contends that BKC's one-day delay in answering his complaint (the answer was due on October 24 and BKC answered on October 25) and counsel's "pregnancy-related disability" hindered his ability to comply with the discovery deadlines (Dkt. No. 286 at 2-3).

Mr. Cook has not shown diligence in attempting to meet the deadlines set forth in the case management order or good cause for granting the requested extensions. The motion for extension of time for discovery is **DENIED**.

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